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Serial No. 09/994,846
Docket No. FJ-2001-030-US

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REMARKS

Claims 1-29 are all of the claims currently pending.

It is noted that Applicant specifically states that no amendment herein to any claim should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-16 and 21-26 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter because of the word "tool" in the claims. Although Applicant submits that the word "tool" is not used in the claims to claim a listing of computer instructions, as would be required to be software *per se*, the claims have been amended in an attempt to expedite prosecution. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Claims 1-16 and 21-26 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing the written description requirement because of the word "tool" in the claims. Although Applicants believe that the original specification clearly supports using the term "tool" in any and all of the exemplary embodiments listed by the Examiner, the Examiner would be correct in pointing out that the original specification lacks antecedent basis for this term. Therefore, rather than revising the specification to incorporate this term, as permitted by MPEP §608.01(o), the claims have been returned to their original terminology. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Claims 3, 4, 11, 17-20, and 27-29 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants believe the above claim amendments appropriately address these issues. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-29, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

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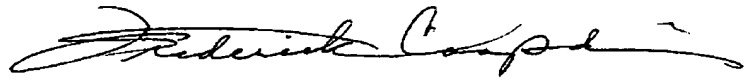
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Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date:


03/14/07

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CERTIFICATION OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 this Amendment under 37 CFR §1.116 to Examiner T. Zhou on March 14, 2007.



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